THE HONOURABLE SRI JUSTICLE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO

W.P. NO.16278 of 2006

Dated: 26-12-2006

Between:-

Shaik Sajid

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PETITIONER.

And

The Station House Officer, Santoshnagar Police Station,
Hyderabad and others.

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RESPONDENTS

THE HONOURABLE SRI JUSTICLE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO

W.P. NO. 16278 of 2006

O R D E R (per Hon'ble Sri Justice D. Appa Rao)

The petitioner Shaik Sajid sent a petition dated 25.7.2006 to the Honourable the Chief Justice alleging that his father Shaik Ali was an auto driver. While so on 21.7.2006 at about 11.00 P.M. the Inspector of Police, two Sub Inspectors and constables of Santhosnagar Police Station came to their house arrested his father without disclosing any reason and took him to the police station. On the next day, he went to the police station where his father informed that the police has tortured him throughout the night. Again on 25.7.2006 when he and his two sisters went to the police station, they found their father in serious condition. They requested the police to shift their father to the hospital. Their father again complained about the torture and suddenly collapsed. Immediately, the police brought an auto and shifted their father to a private hospital at Saidabad and on the advise of the doctors they took their father to Osmania Hospital, where the doctors declared him dead. On that the police constable who was accompanying them ran away from the scene. Therefore, he requested to take action in the matter.

2) The petition was taken up as a Writ Petition.

3) The 2nd respondent the Commissioner of Police filed the counter denying the averments made in the petition. On a similar

complaint made by the petitioner dated 25.7.2006 a case in Crime No.197 of 2006 under Sections 176 Cr.P.C and 304-II and 343 IPC was registered against the Inspector of Police, two Sub Inspectors and two constables. The investigation was entrusted to the Assistant Commissioner of Police. On requisition, the Executive Magistrate conducted inquest over the dead body of the deceased on 26.7.2006 at Osmania General Hospital, Hyderabad. At the time of inquest, the petitioner Shaik Sajid, his brother Shaik Farooq, the wife of the deceased Taher Begum and the owner of the house A.C.Murtuza were examined. The inquestdars were of the opinion that the deceased was taken by the police in a murder case and was let off on 25.7.2006. Thereafter went to his house and fell sick. He was shifted to Osmania Hospital, Hyderabad by his son where he was declared dead. A postmortem was conducted on the dead-body by the Professor along with two doctors, wherein the entire proceeding of postmortem was video graphed. A grazed abrasion of 7x2 c.m. at the front and middle of the left leg and an abrasion over left lateral malleolus of 0.5 x 0.5 size were only found. The final report is pending. The very petitioner gave a statement before the Executive Magistrate stating that he appended his signature on the complaint filed against the police, when some persons insisted. He has no suspicion over the death of his father. The police had taken prompt action against the police officers. They would took appropriate action if the police officers are found to be guilty.

4) During the course of hearing, the final opinion regarding the cause of death of the deceased was submitted wherein the Professor of medicine opined that the death was due to natural causes.

5) The police has already registered a case in Crime No. 197 of 2006 against the police officers and the investigation is pending. The police have to necessarily file a final report after completion of

investigation. The learned Magistrate would necessarily give a notice to the petitioner before passing orders on final report. Since the respondents promptly registered a case against the police officers and investigating the matter and in the light of final opinion of the experts that the death was natural, we do not see any justification to keep the matter pending. No directions need be issued in the above matter.

6) In the circumstances, the Writ Petition is closed. No costs.

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J.

CHELAMESWAR,J

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D. APPA

RAO,J

26th December 2006.

BCS